

**REPORT/RECOMMENDATION TO THE BOARD OF SUPERVISORS
OF SAN BERNARDINO COUNTY, CALIFORNIA
AND RECORD OF ACTION**

76

September 9, 2003

FROM: **GERRY NEWCOMBE**, Deputy Administrative Officer
County Administrative Office
G. DANIEL OJEDA, Director
Architecture & Engineering Department
TRESSA KENTNER, Court Executive Officer
Superior Court of California, Administration

**SUBJECT: CENTRAL COURTHOUSE SEISMIC RETROFIT AND REMODEL PROJECT –
INCREASE APPROPRIATIONS AND AMEND CONSULTANT CONTRACT**

RECOMMENDATION:

1. Increase appropriations and revenues by \$18,185,933 in the Capital Improvement Program as detailed in the Financial Impact section below (four votes required); and
2. Approve Amendment No. 1 to Contract No. 02-400 for \$1,902,526 with ABSG Consulting Inc. of Irvine, bringing the total contract amount to \$2,693,526 for the design and construction administration of the Central Courthouse Seismic Retrofit and Remodel Project in San Bernardino.

BACKGROUND INFORMATION: The Central Courthouse (351 North Arrowhead Avenue, San Bernardino) is a four-story reinforced concrete building that was constructed in 1926 prior to modern earthquake design methods. It is located in a region of high seismic exposure adjacent to both the San Andreas and San Jacinto fault systems. Although there have been a few internal remodels since the original construction, the building does not meet current code requirements, falls short of meeting many current ADA requirements, and the performance of the building in a major earthquake is expected to be extremely poor. In October 1999, the County received a \$5 million Federal Emergency Management Agency (FEMA) grant for the seismic retrofit of the Central Courthouse.

The Board approved the issuance of a Request for Proposals (RFP) for consultant services for the Central Courthouse Seismic Retrofit Project on January 15, 2002. In anticipation that the scope could expand to include remodel of the courthouse and T-Wing and seismic retrofit of the T-Wing, the RFP contained language indicating the consultant selection would be based on both the seismic retrofit and the eventual expanded scope. On June 4, 2002, the Board approved the engineering design contract with ABSG Consulting Inc. of Irvine (ABSG) in the amount of \$791,000 for the Central Courthouse Seismic Retrofit Project. On January 14, 2003, the Board approved the expansion of the project to include a seismic retrofit of the adjacent T-Wing annex to the Central Court as well as a partial remodel of the entire Central Court complex. After the approval to expand the project, the County negotiated with ABSG to arrive at a design fee for the following additional scope of work:

- Seismic retrofit of the T-Wing structure using shear wall improvements;
- Complete remodel of the first and second floors of the T-Wing annex from office space to 6 court rooms;
- Retrofit/Replacement of the heating, ventilating and air conditioning system (HVAC) in the entire T-Wing Annex;
- ADA access improvements to the entire T-Wing Annex building;
- Remodel of the entire first floor of the Central Courthouse structure to office space including HVAC, plumbing and electrical improvements;

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- Remodel of approximately half the second floor of the Central Courthouse to reorganize and improve court functions and services including HVAC, plumbing and electrical improvements;
- Remodel of one court room on the third floor of the Central Courthouse structure to both a jury deliberation room and a jury waiting room;
- Upgrade of the Central Plant to address the addition of new boilers, chillers, cooling towers and miscellaneous piping. A study will be made to review the efficiency of the system and investigate utility savings and incentives.
- Complete conversion of the HVAC on the third floor of the Central Courthouse to operate off the Central Plant (currently independently serviced by roof mounted systems), and
- Security system review of both the Central Court and T-Wing Annex structures. This review will include internal building security as well as provide conceptual security screening alternatives for exterior entrances.

A separate project to improve the 40-year-old elevators was completed in 2000. This project remodeled the cab interior to bring it up to ADA standards and enhanced the doors to accelerate the door operation cycle and therefore increase total elevator speed. A separate purchase order will be issued to an elevator supply/service company to evaluate the elevator including the shaft, guides, cab and machine room for possible deficiencies, issues or improvements to the system.

A fee was negotiated with the consultant consistent with Federal, State and County procedures and provisions set forth in the original contract. This amendment will provide design services for the revised project scope including special studies and hazardous material assessments on a lump sum basis. The Construction Administration services included in the contract shall be paid on a time and material (T&M) basis not to exceed \$470,838. The T&M portion of the contract was chosen because the phasing and time of construction will be determined during the design and the actual length of the construction time could vary significantly. This method of contracting will pay the consultant only for the work that is provided and gives the County the ability to better control construction administration costs. A breakdown of the engineering services and project budget is as follows:

PROJECT ELEMENT	CONSULTANT BASIC COST	CONSULTANT STUDIES & CONSTRUCTION ADMINISTRATION	TOTAL CONSULTANT DESIGN FEE	ESTIMATED CONSTRUCTION COST	CONTINGENCIES, CONSTRUCTION MANAGEMENT, INSPECTION, TESTING, AND A&E COST	ESTIMATED TOTAL PROJECT COST
Central Courthouse Seismic Upgrade (Original Contract)	\$626,635	\$164,365	\$791,000	\$6,965,447	\$1,623,478	\$9,379,925
Central Courthouse Tenant Improvements	\$198,014	\$78,265	\$276,279	\$1,672,841	\$413,784	\$2,362,904
T-Wing Seismic Upgrade	\$369,168	\$94,675	\$463,843	\$2,723,957	\$677,101	\$3,864,901
T-Wing Tenant Improvements	\$304,535	\$68,756	\$373,291	\$2,907,932	\$660,193	\$3,941,416
HVAC/MEP Modifications & Upgrades	\$646,660	\$142,453	\$789,113	\$4,807,834	\$1,039,206	\$6,636,153
SUB-TOTAL:	\$2,145,012	\$548,514	\$2,693,526	\$19,078,011	\$4,413,762	\$26,185,299

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* \$1,027,220 has been expended in prior years. \$28,858,713 is required for future expenditures beginning 2003-04.

Temporary Relocation Space	\$3,700,634
TOTAL:	\$29,885,933*

On February 11, 2003, the Board accepted a State Grant from the California Department of Parks and Recreation, Office of Historic Preservation – California Heritage Fund in the amount of \$550,000 for historic renovation of the Courthouse. This grant requires a 100% County match. It is anticipated that existing elements of the project included in the above costs will satisfy the local match requirement. A future amendment will be brought before the Board to add design services for the historic work after State and County approval of a Grant agreement. The \$550,000 State Grant and related design costs are not included in the table above.

When the expanded scope was approved by the Board, the project was estimated to cost approximately \$25 million. This included costs for design, construction, contingencies, testing, construction management and temporary relocation space to house portions of the court services during construction. During the fee negotiations for the expanded scope, staff requested that the consultant re-evaluate previous preliminary estimates, and it was determined that construction modifications to the T-Wing would trigger State Title 24 code compliance of the HVAC system beyond what was originally estimated. The redistribution of tenant space and the Title 24 requirements require a complete redesign and major renovation of the T-Wing and Central Plant HVAC equipment to change the way air is to be delivered to the various building areas. The new air supply system renovation will also transfer the third floor of the Courthouse to the Central Plant and eliminate the inefficient, failing independent HVAC equipment on the roof. The new estimate by ABSG includes the additional HVAC improvements and predicted inflation in construction cost. These revisions increase the total project cost approximately \$5 million. The increases to the project budget are detailed as follows:

PROJECT ELEMENT	PRELIMINARY ESTIMATE	CURRENT ESTIMATE	REASON FOR CHANGE
Central Courthouse Seismic Upgrade	\$9,046,419	\$9,379,925	5% Inflation (Construction only)
Central Courthouse Tenant Improvements	\$2,371,525	\$2,362,904	Revised scope / 5% Inflation (Construction only)
T-Wing - Seismic Upgrade	\$4,272,000	\$3,864,901	Revised scope / 5% Inflation (Construction only)
T-Wing - Tenant Improvements	\$3,847,436	\$3,941,416	5% Inflation (Construction only)
Total Project HVAC/MEP Modifications & Upgrades	\$1,850,000	\$6,636,153	4 floors of HVAC in the T-Wing, one floor of the Central Court & HVAC equipment in Central Plant
Temporary Relocation Space	\$3,596,063	\$3,700,634	Minor revision in space assumptions
TOTALS:	\$24,983,443	\$29,885,933	

Funding for the project is through a combination of:

- The \$5 million Hazard Mitigation Grant award by the Federal Emergency Management Agency (FEMA);
- Civil filing fee surcharge. Current collections from the fee average \$2.1 million annually; and
- 25% of County's share of excess fines and forfeiture revenues. Current collections average \$1 million annually

This project is consistent with a County Administrative Office approved Capital Improvement Program request.

REVIEW BY OTHERS: This Board Item has been coordinated with Eli Montoya, Department Contract Compliance Designee on August 26, 2003; approved as to legal form by County Counsel (Jean-Rene Basle,

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Deputy County Counsel) on August 28, 2003; and reviewed by the County Administrative Office (Gerry Newcombe, Deputy Administrative Officer and Lynn Chacon, Administrative Analyst) on August 28, 2003. 76

FINANCIAL IMPACT: This project was originally budgeted in the amount of \$5,000,000 in 2001-02. The project was increased by \$6,645,000 in 2002-03 for a total project budget of \$11,645,001. This action will increase the project budget by \$18,185,993 for a total budget of \$29,885,933 (construction-\$19,078,011; contingency - \$1,907,801; project management/inspection/testing-\$5,199,487; temporary relocation-\$3,700,634). Expenditures through June 30, 2003 were \$1,027,220 for a remaining project budget of \$28,858,713.

Increase in appropriations and revenues are as follows:

Increase appropriations by \$18,185,934 in the Capital Improvement Program (CJV-CIP-1830-4030)

Increase revenues by \$18,185,934 in the Capital Improvement Program (CJV-CIP-1830-9975)

This action will have no immediate impact on the general fund. The estimated \$30 million cost of the expanded project will be paid from \$5 million of federal grant funds (FEMA), the filing fee surcharge, excess collections balances and on-going revenues. Current cash flow projections identify a \$7.8 million shortfall in funding available to cover project costs beginning in October 2004 that, based on the Board's action on Item No. 83 on August 26, 2003, will be funded by proceeds from a revenue bond financing secured by the civil filing fee revenues.

COST REDUCTION REVIEW: The County Administrative Office has reviewed this agenda item and concurs with A&E's proposal and recommends this action in order to make the Central Courthouse compliant with seismic, ADA, and State Title 24 code requirements; provide for more efficient facility usage; and improve safety and security by the removal of court custodies from public corridors.

SUPERVISORIAL DISTRICT(S): Fifth.

PRESENTERS: Gerry Newcombe, Deputy Administrative Officer, 387-9046
G. Daniel Ojeda, Director, A&E, 387-5025
Tressa Kentner, Court Executive Officer, Superior Courts, 387-6401

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